

P. Brown

3523 Harry Hines Boulevard
Dallas, Texas 75235
May 15, 1964

Honorable Joe B. Brown
Judge, Criminal District Court
Number Three
Records Annex Building
Dallas, Texas

Dear Judge Brown:

At your request I have evaluated Jack Ruby in the Dallas County Jail on Thursday, April 30; Friday, May 1; and Monday, May 11, 1964. You had indicated that his defense counsel had raised questions about Mr. Ruby's sanity and you requested my professional opinion about Mr. Ruby's current mental state, in order to evaluate the indications for a formal sanity hearing.

As you know, the question of insanity is a legal matter, and I assume that my task is to provide you with medical and psychiatric information which might prove to be useful to you in your decision. I am assuming that the issues involved here are very similar to the problem of pre-trial evaluation of mental competency. Although the laws and various rulings in this matter are somewhat vague, I am assuming that you are interested in attempting to answer these questions:

1. whether or not the defendant is insane presently?
2. whether or not the defendant understands the crime for which he was convicted and the punishment which he received?
3. whether or not the defendant is competent to assist properly and rationally his counsel in the preparation and presentation of appeal?

As one example of a pre-trial sanity ruling in Dusky vs. U.S. 362 U.S. 788 (1960) the Court stated "that it is not enough for the district judge to find 'the defendant (is) oriented to time and place and (has) some recollection of events' but that the test must be whether he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding - and whether he has a rational as well as factual understanding of the procedures against him."

There are two basic questions - the meaning of insanity in the current legal situation, and what does assist counsel mean? Regrettably, there is a common tendency to equate psychosis with insanity and with incapacity to cooperate with

counsel. In my opinion, not all persons who show evidence of psychotic thought processes should be called insane or incompetent mentally for legal purposes. Just as it is possible for a person to be sane legally at the time of a trial, and yet insane at the time of a crime, it is also possible for a person to be sane at the time of a trial and to develop such a disturbed mental state that he becomes insane subsequent to the trial. In some situations, it seems to me, counsel could continue to appeal without the cooperation or participation of the defendant. To assist counsel the defendant should have reality-oriented accuracy in memory, judgment and thinking, if his participation in the appeal is required.

Usually, one discusses psychiatric observations from the framework of the so-called "M'Naghten Rule"--does the defendant have the ability to understand the nature of the event, to know that it was wrong, and to have the capacity to distinguish between right and wrong. This rule does not seem to be of much value in this post-trial situation currently re Mr. Jack Ruby, in my opinion.

According to Smith, 25 N.M., 48, 59, 176 P 819, 823, after a sentence of death, the test of insanity suggested is "whether or not the prisoner has not from the defects of his faculties, sufficient intelligence to understand the proceedings against him, what he was tried for, the purpose of his punishment unjust or unlawful, and the intelligence requisite to convey such information to his attorneys or to the court." Psychiatric observations within this legal framework seem to me to be pertinent to Mr. Ruby's current status.

I would like to submit the following medical and psychiatric observations on Mr. Ruby for your consideration, based on my examinations, including the one on May 11, 1964.

1. Physical health - Mr. Ruby reported that he "has lost weight," "has not been exercising regularly." He appeared pale, weak, tremulous, extremely tense, and moderately depressed. However, he seemed to be improved slightly in this most recent interview.

2. Psychiatric status - In each interview Mr. Ruby was alert, friendly, and cooperative. He knew the day, date, month, and recognized and greeted this evaluator. He expressed some distrust of his attorneys, both the former ones and the present ones. He claimed that none of them had

visited him in more than one week (this was not confirmed by Officer Bowlin, who stated that Mr. Ruby's attorneys had visited him during that time.) This observation is an important one, since Mr. Ruby gives the impression of being very precise about his memory of events at the time of the crime and about discussions of the lawyer's trial strategy.

3. Of course, an important question remains, a most difficult one - namely, is Mr. Ruby malingering? In my opinion, Mr. Ruby has not been malingering during my three interviews with him.

4. I interviewed Officer Bowlin, who is assigned in the cell block where Mr. Ruby resides currently. According to the officer's statement to me, Mr. Ruby has been involved in conversations with fellow prisoners, has played cards cooperatively, has been sleeping poorly, does eat better than he did ten days ago.

5. The personal fantasies of a murderer typically involve a period of personal shock, followed by psychological detachment, and then often a gradual and subtle identification with the dead victim. This is illustrated very clearly in Mr. Ruby's belief that he was convicted for "the murder of President Kennedy and Policeman Tippit." The extent of his regressive behavior is revealed by his basic mistrust and inconsistent attitudes toward his attorneys. This heightened mistrust of them must be related to early life factors, since there is some evidence of moderately severe emotional problems in his childhood, and it is related probably to his actual experience with his attorneys, since their defense of him was unsuccessful. He remains inconsistent in his comments about them - praises them, then expresses doubts about them, wonders if he "should change attorneys again."

6. On Monday, May 11, 1964, in my evaluation of Mr. Ruby, he was quite willing to discuss the Oswald murder, his role in his own defense, and his perception of the "ironical twist of fate," that he describes as follows - "I killed Oswald so Mrs. Kennedy would not have to come to Dallas and testify. I loved and admired President Kennedy. I know what 'they' think. 'They' think I knew Oswald, that it was a part of some plot. It's not true. I want to take a polygraph test to prove that I did not know Oswald, that I was not involved in killing President Kennedy. After that I don't care what happens to me."

I asked Mr. Ruby the following specific questions:

1. What are the current legal proceedings that are being requested by your counsel?

Answer: "I don't know." Later he stated "A sanity trial - I don't want that - I don't want to be sent off to a hospital." Still later - "maybe I should go to a hospital."

2. What were you tried for?

Answer: "For the assassination of Kennedy - no, I mean, the murder of Oswald - I'm not sure."

3. Why are you being punished?

Answer: "Because 'they' think I was a part of a plot."

4. Who are the people that you refer to as 'they'?

Answer: "The district attorney; Judge Brown; they Jury. The people who want to burn the Jews."

5. What impending fate is in store for you?

Answer: "I will be executed."

6. Do you feel that you are cooperating and can cooperate with your defense counsel, for example, in trying to proceed with your appeal, or in finding new evidence?

Answer: "I don't know. I want to tell the truth. I want a polygraph - Belli wouldn't let me take it."

It is my medical and psychiatric opinion that Mr. Jack Ruby has had and has now an acute psychiatric illness, with paranoid and depressive features. In my opinion, he is reacting to the stress of the trial, the sentence of death, the relative isolation and lack of physical activity, and now is improving gradually in his ability to evaluate the reality of his situation. However, I assume that he will show alternating periods of improvement and regression, similar to those that have been described by numerous authors in prisoners under sentence of death (for example, Duffy, Clinton and Jennings, Dean, The San Quentin Story, Curtis Publishing Company, 1950).

Summary

In my opinion, Mr. Ruby is mentally ill, with symptoms of moderate depression, delusions of persecution, moderate to extreme suspicion and distrust of several individuals, especially

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his present attorneys. In my opinion, these observations should be taken into consideration in your decision about the request for a formal sanity hearing. In my opinion, there are no psychiatric contraindications for you to question Mr. Ruby directly, or for you to permit the defense to put him on the stand for directly testimony about the sanity issue. Ideally, in my opinion, Mr. Ruby should be under the supervision of a psychiatrist, preferably in a psychiatric hospital, until the prisoner recovers sufficiently to proceed with his appeal with rational understanding.

I will be available for testimony and further consultation, when it seems indicated to you.

Sincerely,

R.L. Stubblefield

R.L. Stubblefield, M.D.

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